



March 16, 2007

ENGROSSED SENATE BILL No. 108

DIGEST OF SB 108 (Updated March 14, 2007 3:50 pm - DI 69)

Citations Affected: IC 35-46; noncode.

Synopsis: Cruelty to animals. Requires a court to consider counseling as part of the sentence imposed on an adult or juvenile who has committed animal cruelty. Permits a court to order the adult or juvenile to receive counseling.

Effective: July 1, 2007.

Lanane, Drozda, Lubbers

(HOUSE SPONSORS — LAWSON L, ELROD)

January 8, 2007, read first time and referred to Committee on Corrections, Criminal, and Civil Matters.

February 20, 2007, reported favorably — Do Pass.

February 26, 2007, read second time, ordered engrossed. Engrossed.

February 27, 2007, read third time, passed. Yeas 47, nays 0.

HOUSE ACTION

March 6, 2007, read first time and referred to Committee on Courts and Criminal Code.

March 15, 2007, reported — Do Pass.

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March 16, 2007

First Regular Session 115th General Assembly (2007)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

ENGROSSED SENATE BILL No. 108

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 35-46-3-12 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 12. (a) This section
3 does not apply to a person who euthanizes an injured, a sick, a
4 homeless, or an unwanted domestic animal if:

5 (1) the person is employed by a humane society, an animal control
6 agency, or a governmental entity operating an animal shelter or
7 other animal impounding facility; and

8 (2) the person euthanizes the domestic animal in accordance with
9 guidelines adopted by the humane society, animal control agency,
10 or governmental entity operating the animal shelter or other
11 animal impounding facility.

12 (b) A person who knowingly or intentionally beats a vertebrate
13 animal commits cruelty to an animal, a Class A misdemeanor.
14 However, the offense is a Class D felony if:

15 (1) the person has a previous, unrelated conviction under this
16 section; or

17 (2) the person knowingly or intentionally tortures or mutilates a

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- 1 vertebrate animal.
- 2 (c) It is a defense to a prosecution under this section that the
- 3 accused person:
- 4 (1) reasonably believes the conduct was necessary to:
- 5 (A) prevent injury to the accused person or another person;
- 6 (B) protect the property of the accused person from destruction
- 7 or substantial damage; or
- 8 (C) prevent a seriously injured vertebrate animal from
- 9 prolonged suffering; or
- 10 (2) engaged in a reasonable and recognized act of training,
- 11 handling, or disciplining the vertebrate animal.
- 12 **(d) When a court imposes a sentence or enters a dispositional**
- 13 **decree under this section, the court:**
- 14 **(1) shall consider requiring:**
- 15 **(A) a person convicted of an offense under this section; or**
- 16 **(B) a juvenile adjudicated a delinquent for committing an**
- 17 **act that would be a crime under this section if committed**
- 18 **by an adult;**
- 19 **to receive psychological, behavioral, or other counseling as a**
- 20 **part of the sentence or dispositional decree; and**
- 21 **(2) may order an individual described in subdivision (1) to**
- 22 **receive psychological, behavioral, or other counseling as a**
- 23 **part of the sentence or dispositional decree.**
- 24 **SECTION 2. [EFFECTIVE JULY 1, 2007] IC 35-46-3-12, as**
- 25 **amended by this act, applies only to:**
- 26 **(1) offenses; and**
- 27 **(2) acts that would be a crime if committed by an adult;**
- 28 **that are committed after June 30, 2007.**

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SENATE MOTION

Madam President: I move that Senator Drozda be added as second author of Senate Bill 108.

LANANE

COMMITTEE REPORT

Madam President: The Senate Committee on Corrections, Criminal, and Civil Matters, to which was referred Senate Bill No. 108, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to Senate Bill 108 as introduced.)

STEELE, Chairperson

Committee Vote: Yeas 6, Nays 0.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred Senate Bill 108, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

DEMBOWSKI, Chair

Committee Vote: yeas 10, nays 0.

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